

**MINUTES OF THE  
OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE**

Friday, September 4, 2015 – 9:00 a.m. – Room 20 House Building

**Members Present:**

Sen. Todd Weiler, Cochair  
Rep. Brian M. Greene, Cochair  
Sen. Wayne A. Harper  
Sen. Karen Mayne  
Rep. Susan Duckworth  
Rep. Jon E. Stanard  
Mr. Duane Gardner  
Ms. Heather Johnston  
Mr. Merlin Taylor

**Staff Present:**

Mr. Joseph T. Wade, Policy Analyst  
Mr. Peter Asplund, Associate General Counsel  
Ms. Tracey Fredman, Legislative Assistant

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Weiler called the meeting to order at 9:05 a.m.

**MOTION:** Mr. Merlin Taylor moved to approve the minutes of the November 25, 2014, meeting. The motion passed unanimously. Sen. Mayne and Rep. Stanard were absent for the vote.

**2. Statutory Duties of the Committee**

Mr. Wade distributed and reviewed "Statutory Duties of the Committee." He indicated that the committee is required to:

- meet at least twice each year before November 1;
- approve a sunrise application form;
- conduct a sunrise review for each sunrise application received;
- conduct a sunset review for each occupation or profession in Title 58 that is scheduled for termination;
- conduct a study or review of matters referred to the committee; and
- submit an annual report by November 1 of each year.

Rep. Greene asked that an updated application for licensure be provided to the committee for approval.

Mr. Asplund reviewed and briefed committee members on the outcomes of recommendations made by the committee in the November 25, 2014, meeting, including:

- a motion to extend the sunset of the licensing of dentist educators for two years;
- the reauthorization of the Occupational Therapy Practice; and
- the reauthorization of the Health Facility Administrator Act.

**MOTION:** Rep. Greene moved to reaffirm the actions and recommendations made in the previous year that have not yet been completed, and that those reaffirmed actions be included in the 2015 annual committee report. The motion passed with Rep. Stanard voting in opposition.

### **3. U.S. Supreme Court Case Regarding Licensing**

Mr. Asplund presented an overview of *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, which was provided in the mailing packet prior to the meeting.

### **4. Three Tiers of Licensing**

Rep. Greene distributed "The Occupational Board Reform Act, Model Legislation" and noted that the legislation is a model prepared in response to the *North Carolina State Board of Dental Examiners v. Federal Trade Commission* case. Rep. Greene reviewed the definitions of licensure, certification, and registration as defined in the document.

Committee discussion followed about the three tiers of licensing, as defined.

Mr. Mark Steinagel, Director, Division of Occupational and Professional Licensing, suggested that in addition to licensure, certification, and registration, the committee may consider exemption from licensure, which addresses the issue of policy without creating more regulation, and sometimes saying "No" to a request for licensure.

Mr. John Hill, Rocky Mountain Gas Association, expressed concern about the adoption of a definition that would allow a noncertified heating contractor to work on an appliance that is natural gas fired due to carbon monoxide safety issues.

Mr. Connor Boyak, President, Libertas Institute, spoke in support of the tiered licensing proposal and encouraged a continued exploration of ways to decrease the requirement for licensure and allow consumers to make informed choices.

No action was taken on this item. Rep. Greene asked that committee staff begin working on documenting the discussed framework of the tiered licensing proposal that can be developed into a bill and presented to the committee for further discussion.

### **5. Scope of the Committee**

Mr. Asplund referred committee members to "Occupational and Professional Licensure Review Committee Act, Title 36, Chapter 23," which was distributed in the mailing packet prior to the meeting. Mr. Asplund noted that there are many professions that are not under Title 58, and that if professions do not want to go through the application process they can seek to put their licensure in a different title of the code.

**MOTION:** Rep. Greene moved that the committee open a bill file to address the issue of expanding the scope of the committee to include other sunrise review or similar types of licenses that are not under Title 58. The motion passed unanimously. Sen. Harper was absent for the vote.

### **6. Standards for Determining Unlawful or Unprofessional Conduct**

Mr. Asplund presented an overview of *Monica Cecilia Cook v. Department of Commerce*, which was distributed in the mailing packet prior to the meeting.

Mr. Steinagel did not comment on the case. He did, however, explain briefly how the division determines the severity of cases they will investigate.

No action was taken on this item.

**7. Future Meetings**

The next meeting was scheduled for Thursday, October 22, 2015, at 9:00 a.m.

**8. Other Items / Adjourn**

**MOTION:** Rep. Stanard moved to adjourn the meeting. The motion passed unanimously. Sen. Harper was absent for the vote.

Chair Weiler adjourned the meeting at 11:15 a.m.